

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20269-Cr-Scola

UNITED STATES OF AMERICA)
v.)
CARLOS ORLANDO LEDESMA)
_____)

FACTUAL PROFFER FOR DEFENDANT'S CHANGE OF PLEA

The United States and the defendant, Carlos Orlando Ledesma, agree that had this case proceeded to trial, the government would have proved the following facts beyond a reasonable doubt, and that these facts provide a sufficient factual basis for the plea of guilty to conspiracy to export stolen outboard boat engines and to export engines contrary to law.

From approximately April 2015 to approximately June 2018, in Miami-Dade County, in the Southern District of Florida, Carlos Orlando Ledesma did willfully, that is, with the intent to further the objects of the conspiracy, knowingly conspire and agree with Nadia Ledesma, M.R., Osmani Valdivia Perez, Roberto Marrero-Cisneros, Tomas Vale Valdivia, R.V., M.E., A.P.T., B.P., and others, to export outboard boat engines to Mexico, knowing them to be stolen, and to export the stolen engines to Mexico, contrary to law, that is, contrary to law requiring the submission of truthful export information to the United States.

Carlos and Nadia Ledesma's freight forwarding business

Since approximately 2006 to the present, Carlos Ledesma and his wife, Nadia Ledesma, have owned and operated a freight forwarding company in Miami, Florida, called Netcycle Trading Corp. (Netcycle). On company documents, Carlos Ledesma is listed as the warehouse manager. Nadia Ledesma is listed as the President. Both Carlos and Nadia Ledesma are

signatories on the Nectycle bank accounts. M.R. was an employee of Nectycle since it was formed in 2006. M.R. left Nectycle in the Spring of 2018.

Nectycle's licenses, certifications, and communications with government are in Nadia Ledesma's name. Among other things, Nadia Ledesma had an account to submit electronic information to the United States relating to exports of goods.

Exporting items from the United States

The U.S. Census Bureau and U.S. Customs and Border Protection (CBP) maintain an electronic portal called the Automated Export System (AES). In general, exporters and freight forwarders are required to file electronic export information (EEI) through the AES for every export of goods that has a value greater than \$2,500. The EEI includes the date of export, the U.S. principal party of interest, the consignee's name and address, the country of destination, the description of the commodity to be exported, the value, the weight, and whether the item is hazardous material.

In addition, all parties to an export transaction are required to maintain records for each shipment, such as an invoice or bill of sale, which identifies the seller in the United States, the buyer in the foreign country, the item being sold, and the price. Generally, a party seeking to export an item provides documentation to the freight forwarder. This includes at least a bill of sale from the party in the United States to the party in the foreign country, a description of the item, and the price.

The stolen outboard engines

Beginning at least in April of 2015, Carlos Ledesma offered Nectycle's services to individuals who wanted to export outboard boat engines, including via air transport. Outboard engines are mounted outside a vessel's hull. They have fuel lines, steering and electrical cables

that connect to interior of the boat. The engines generally weigh several hundred pounds. They typically require machinery such as a forklift to be moved.

Documents seized from a search warrant executed at Netcycle, pole camera video of deliveries at Netcycle, witnesses, theft reports, manufacturer records, and other evidence show that from April 2015 to June of 2018, Carlos and Nadia Ledesma, along with M.R., used Netcycle to export almost 600 stolen outboard engines to Mexico.

Outboard engines vary in cost, horsepower, and other features. Based on manufacturer price lists from that time period, the approximate total value of the exported stolen engines was \$11,179,500. This is summarized in the chart below.

Stolen Boat Engines Exported via Netcycle Trading Corp.						
	2015	2016	2017	2018	Average Cost Per Boat Engine	Approximate Total Value
2.5hp			1		\$1,100.00	\$1,100.00
25hp		1	1		\$5,000.00	\$10,000.00
40hp		3	1		\$7,200.00	\$28,800.00
50hp			2	3	\$7,700.00	\$36,000.00
60hp	2	1	6		\$8,700.00	\$78,300.00
70hp		2	12	2	\$9,300.00	\$148,800.00
75hp		1			\$10,000.00	\$10,000.00
80hp	1				\$10,500.00	\$10,500.00
90hp	1	10	9	8	\$11,000.00	\$308,000.00
115hp	2	30	23	6	\$12,000.00	\$732,000.00
150hp	19	81	70	30	\$16,000.00	\$3,200,000.00
175hp			3		\$17,000.00	\$51,000.00
200hp	6	20	41	4	\$19,000.00	\$1,349,000.00
225hp		6	8		\$23,000.00	\$322,000.00
250hp	6	24	21	1	\$25,000.00	\$1,300,000.00
300hp	8	62	36	9	\$28,000.00	\$3,220,000.00
350hp		7	4		\$34,000.00	\$374,000.00
Other	3	5	2	3		
Total Engines	45	248	238	63	594	\$11,179,500.00

The approximately 600 stolen engines that Netcycle exported to Mexico were directed to just a few individuals. The majority of the stolen engines were directed to Tomas Vale Valdivia (“Tomasito”) and to R.V., both relatives of codefendant Osmani Valdivia. A number of engines were directed to M.E, and a number of engines were directed to J.C.

From 2015 to 2018, coconspirators communicated with Carlos Ledesma via cell phone. The coconspirators also communicated with Carlos and Nadia Ledesma and M.R. via the Netcycle office phone line. Coconspirators also communicated via cell phone with M.R. Nadia Ledesma and M.R. also communicated with coconspirators via email. For example, on April 16, 2018, Nadia Ledesma sent emails to Mexico stating that she was the point of contact for Netcycle and attaching photos of serial number stickers.

From 2015 to 2018, Carlos Ledesma, Nadia Ledesma and M.R., accepted delivery of approximately 600 outboard engines for export to Mexico. Dozens of individuals made the drop-offs. Some individuals made many deliveries. The engines were delivered in non-commercial pick-up trucks, SUV’s, vans, rented U-Haul vans, etc. Carlos and Nadia Ledesma, M.R., and others at Netcycle could see that the engines had been stolen because lines for fuel, steering, etc., had been cut, rather than properly detached. Also, there was damage on the outside of the engines, caused by the way the engines had been taken and transported.

In addition, the deliveries also included unpackaged boat parts. They included steering wheels, cables, GPS equipment, boat seats, etc. The unloading of boat parts is seen in video recordings from a pole camera that was surveilling Netcycle. The boat parts are also listed in the Netcycle records obtained via a Search Warrant.

Carlos Ledesma would meet with the individuals and unload the engines using the Netcycle forklift. For example, video from May 1, 2018 shows Carlos Ledesma unloading the stolen

engines, which Netcycle exported a few days later on May 5, 2018. After unloading the engines, Carlos Ledesma would drain the engines of fluids like oil.

Netcycle records include photos of the engine serial numbers in each shipment file. Some were real numbers and law enforcement traced them to reported thefts. The vast majority of the serial numbers were false, as confirmed by the manufacturer.

Many of the false serial number stickers were created by co-defendant Roberto Marrero-Cisneros. On at least one occasion Marrero-Cisneros met Carlos Ledesma at Netcycle and placed the false serial number stickers on engines openly at the Netcycle warehouse. Marrero-Cisneros also went to Netcycle to replace false serial numbers that Netcycle had determined had already been used in a prior export.

According to records seized in the Search Warrant, Netcycle charged a total of \$480,197.68 for exporting the stolen engines from 2015 to 2018. Most of the payments were in cash. Many of these cash payments were made by codefendant Osmani Valdivia.

According to Netcycle records, the charges were mostly airline fees which totaled \$319,981.72. Netcycle's charges for draining the engines, packaging with a crate, documentation, booking and delivery to the airlines totaled \$160,215.96. Carlos and Nadia had an understanding with M.R. that she would receive 40% and the Ledesma's would share 60%. Carlos Ledesma agrees that he received at least \$48,064.79 as proceeds of the offense to which he is pleading guilty.

The false documentation

From 2015 to 2018, Carlos and Nadia Ledesma, and their employee M.R., accepted deliveries of approximately 600 engines, without any documentation. Carlos Ledesma, Nadia Ledesma or M.R. would only ask that someone provide a driver's license.

Knowing that documentation was required, Nadia Ledesma and M.R. created blank forms to be filled out, including a delivery receipt and a bill of sale. These forms were usually filled out by M.R. When M.R. was not there, Carlos Ledesma or Nadia Ledesma filled out these forms.

The bills of sale, for the stolen engines, were fabrications. The persons delivering the stolen engines were not making a sale. However, the false forms created at Netcycle would list one of the individuals as the seller.

Also, the prices on the bills of sale were fabrications. For example, on May 5, 2018, Netcycle exported six stolen engines. The fabricated bill of sale in the Netcycle shipment file listed false prices, such as \$1,250 for an F300 engine, which had an average retail cost of approximately \$28,000. Prior to the export, on May 3, 2018, Nadia Ledesma had submitted an EEI (electronic export information) to the US, based on the false bill of sale, stating that the total value of the engines being exported was a total of \$4,700. However, the average retail cost of the six engines at the time totaled approximately \$89,700.

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